

Ser. No. 09/744,112

Internal Docket No. RCA 88,649

Amendments to the Drawings

The attached sheet of drawings includes changes to Figures 1, 6, and 7.

Attachment: Replacement Sheets 1/6, 5/6 and 6/6.

Remarks/Arguments

Claims 1-14 are pending. Claims 6, 7 and 13 are indicated to be objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Responsive to comments regarding the arrangement of the specification, applicants have amended the specification to add section headings as necessary.

Responsive to the objection to the title, applicants request that the title be changed to read "Method and Apparatus for Providing Dynamic Control of Playmode Selection for Playback of a Plurality of Data Units."

Responsive to the objection to the drawings, applicants submit herewith corrected Figures 1, 6 and 7 on the attached 3 replacement sheets.

Rejection of claims 1-4, 8-11 and 14 under 35 USC 102(b) as being anticipated by Hickey (US Pat No 5475835)

Applicants submit that for the reasons discussed below present claims 1-4, 8-11 and 14 are not anticipated under 35 USC 102(b) by Hickey.

The present invention relates to a system that allows a user to dynamically select a player's playmode setting without having to stop playback of a title and then call up and navigate through the player set-up menu (page 2, lines 9-13). In that regard, claim 1 recites:

- (B) providing to a user, during the PLAY mode of operation, an **opportunity to select another one of the plurality of playmodes**, the plurality of playmodes including a standard playmode representing a default sequence, a random playmode representing a random sequence and programmed playmode representing a sequence specified by a user, **without interrupting playback of a current sequence of data units**, and*
- (C) in response to user selection of a new playmode, **changing the playback sequence of the data units in accordance with the newly selected playmode.** (emphasis added)*

Applicants submit that nowhere does Hickey disclose or suggest the above-emphasized features of claim 1.

Hickey discloses computer-based home entertainment media inventory and control system that can control various combinations of video and audio storage media, such as tape and CDs. In particular, Hickey discloses menus that allows the user to select various playback modes including a random, sequential and programmed play. However, nowhere does Hickey teach or suggest the feature of providing to the user the opportunity to select another one of the playback modes **without interrupting playback of a current sequence of data units**, and changing the playback sequence in response to the user selection of a new playmode.

The portions of Hickey cited in the Office Action describe the menu having the R/S/P option, but says nothing with regard to the above-emphasized feature of claim 1. Fig. 6a shows that the menu includes a "MODE R/S/P" touch pad. Col. 16, line 36 - col. 17, line 2 describe the selection of one of the sub-menus from the main menu. Col. 17, lines 12-22 describe the selection of the sub-menu based on selections made on the main menu. Col. 17, line 65 - col. 18, lines 25 describe the operation according to the selection of a random, sequential, or programmed modes. This portion also describes the selection of specific tracks for the programmed mode. However, applicants note that the present invention provides to the user an opportunity to select another playmode without interrupting playback of a current sequence of data units and changing the playback sequence in response to the user selection of a new playmode, not simply an opportunity to select such playmodes. In view of the above, none of these cited portions disclose or suggest the above-emphasized features of claim 1, and as such, applicants submit that present claim 1, and the claims that depend therefrom, are not anticipated by the teachings of Hickey.

Claim 9 recites the above-emphasized features of claim 1 in apparatus form. Thus, applicants submit that claim 9, and the claims that depend therefrom, are not anticipated by Hickey for at least the same reasons as those discussed above.

Rejection of claims 5 and 12 under 35 USC 103(a) as being unpatentable over Hickey

Official Notice has been taken that the use of DVD is well known in the art to store audio, video or other data, and the Office Action states that it would be

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obvious to modify the teachings of Hickey by utilizing a DVD for higher storage data capacity.

However, even assuming the Official Notice is valid, the Official Notice fails to cure the defect of Hickey as applied to claims 1 and 9. Thus, applicants submit that claims 5 and 12, which respectively depend from claims 1 and 9, are patentably distinguishable over the teachings of Hickey and the Official Notice.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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Date: August 3, 2005

CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, Alexandria, Virginia 22313-1450 on:

8/3/2005
Date


Linda Tindall